

AMENDED IN ASSEMBLY MARCH 29, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2182**

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**Introduced by Assembly Member Mullin**

February 18, 2016

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An act to amend Section 49475 of the Education Code, relating to school athletics.

LEGISLATIVE COUNSEL’S DIGEST

AB 2182, as amended, Mullin. School athletics: neurocognitive testing.

(1) Existing law requires a school district, charter school, or private school, if it offers an athletic program, to immediately remove an athlete from an athletic activity for the remainder of the day if the athlete is suspected of sustaining a concussion or head injury, and prohibits the athlete from returning to the athletic activity until the athlete is evaluated by a licensed health care provider, trained in the management of concussions and acting within the scope of his or her practice, and the athlete receives written clearance from the licensed health care provider to return to the athletic activity. Existing law also requires, on a yearly basis, a concussion and head injury information sheet to be signed and returned by the athlete and athlete’s parent or guardian before the athlete initiates practice or competition.

Existing law further provides that, if a licensed health care provider determines that the athlete sustained a concussion or a head injury, the athlete is required to complete a graduated return-to-play protocol of no less than 7 days in duration under the supervision of a licensed health care provider.

This bill would express legislative findings and declarations relating to concussions or traumatic injuries sustained by pupils participating in high school interscholastic athletics and the value of neurocognitive testing.

The bill would require a school district, charter school, or private school that offers an athletic program to *pay for neurocognitive testing, or provide in-house neurocognitive testing, as defined, for pupils who participate in interscholastic ~~athletics~~: athletics in any of 12 designated sports. The bill would require this neurocognitive testing to be conducted by a licensed health care provider, as specified.* The bill would require this testing to take place at the beginning of an athletic season before any competitions have taken place and after any head ~~injury~~: injury, and would require that this baseline neurocognitive testing be repeated at intervals not exceeding 24 months for as long as the athlete is enrolled at the school.

*The bill would require that the parent or guardian of each athlete participating in any of the 12 interscholastic sports listed in the bill be notified, in writing, that the results of baseline and postinjury neurocognitive testing conducted on his or her child is available to the child's parent or guardian, or could be shared with the athlete's physician, upon request.*

The bill would require a school district, charter school, or private school that offers an athletic program to collect and maintain data on traumatic brain injuries and concussions sustained by any of its pupils during an athletic competition. *The bill would require postinjury neurocognitive testing to be conducted within 72 hours of the occurrence of the injury.* The bill would require that this data be reported periodically to the appropriate county office of ~~education~~ education, and would require the county office of education to compile and retain the data for summary and ~~analysis~~: analysis as it deems necessary. By imposing new duties on county offices of education, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) The California Interscholastic Federation (CIF), California's  
4 governing body for high school sports, requires ~~that~~ *that*, if it is  
5 suspected that a pupil has sustained a concussion or traumatic brain  
6 injury in an athletic ~~competition~~ *competition*, the pupil must be  
7 removed from competition immediately and required to receive  
8 written clearance from a physician before returning to competition.

9 (b) Section 49475 of the Education Code, as it was amended  
10 by Assembly Bill 2127 of the 2013–14 Regular Session of the  
11 Legislature effective January 1, 2015, provides that a pupil athlete  
12 who has been diagnosed with a concussion cannot return to play  
13 sooner than seven days after having been evaluated and diagnosed  
14 by a physician.

15 (c) The value of neurocognitive testing is that it establishes a  
16 baseline of each athlete's normal neurocognitive functioning before  
17 beginning athletic activity. By establishing this baseline, an athlete  
18 with a suspected head injury can then be retested to help assess  
19 the degree of injury.

20 (d) Following any kind of head injury, athletes retake the test  
21 and have the results judged against the baseline test. This is  
22 especially important when an athlete experiences numerous hits  
23 to the head.

24 SEC. 2. Section 49475 of the Education Code is amended to  
25 read:

26 49475. (a) If a school district, charter school, or private school  
27 elects to offer an athletic program, the school district, charter  
28 school, or private school shall comply with all of the following:

29 (1) The school district, charter school, or private school to which  
30 this section is applicable shall ~~provide pay for~~ *provide pay for* neurocognitive  
31 ~~testing~~ *testing*, ~~or provide in-house neurocognitive testing~~, for  
32 pupils who participate in interscholastic ~~athletics~~. ~~This testing~~  
33 ~~athletics in any of the following sports:~~

34 (A) *Baseball.*

35 (B) *Basketball.*

1 (C) Cheerleading.

2 (D) Field hockey.

3 (E) Football.

4 (F) Ice hockey.

5 (G) Lacrosse.

6 (H) Rugby.

7 (I) Soccer.

8 (J) Softball.

9 (K) Volleyball.

10 (L) Wrestling.

11 (2) *The neurocognitive testing required by this section shall be*  
12 *conducted by a licensed health care provider with proper training*  
13 *in, or experience with, neurocognitive testing, or both, who is able*  
14 *to interpret the results of the required testing. The baseline*  
15 *neurocognitive testing shall take place at the beginning of an*  
16 *athletic season before any competitions have taken place and after*  
17 *any head-injury. injury, and shall be repeated at intervals not*  
18 *exceeding 24 months for as long as the athlete is enrolled at the*  
19 *school.*

20 ~~(2) (A) An~~

21 (3) (A) (i) *An athlete who is suspected of sustaining a*  
22 *concussion or head injury in an athletic activity shall be*  
23 *immediately removed from the athletic activity for the remainder*  
24 *of the day, and shall not be permitted to return to the athletic*  
25 *activity until he or she is evaluated by a licensed health care*  
26 *provider. The athlete shall not be permitted to return to the athletic*  
27 *activity until he or she receives written clearance to return to the*  
28 *athletic activity from a licensed health care provider. If Postinjury*  
29 *neurocognitive tests shall be conducted within 72 hours of the*  
30 *occurrence of the injury.*

31 (ii) *If the licensed health care provider determines that the athlete*  
32 *sustained a concussion or a head injury, the athlete shall also*  
33 *complete a graduated return-to-play protocol of no less than seven*  
34 *days in duration under the supervision of a licensed health care*  
35 *provider.—The In the event of an abnormal postinjury*  
36 *neurocognitive test result, follow-up neurocognitive testing may*  
37 *be conducted at the discretion of a licensed health care provider.*

38 (iii) *The California Interscholastic Federation is urged to work*  
39 *in consultation with the American Academy of Pediatrics and the*  
40 *American Medical Society for Sports Medicine to develop and*

1 adopt rules and protocols to implement this—~~paragraph.~~  
2 *subparagraph.*

3 (B) A school district, charter school, or private school to which  
4 this section is applicable shall collect and maintain data on  
5 traumatic brain injuries and concussions sustained by any of its  
6 pupils during an athletic competition. *This data shall include an*  
7 *overview of the baseline neurocognitive testing conducted for each*  
8 *of the sports listed in paragraph (1), and an overview of normal,*  
9 *abnormal, and followup postinjury neurocognitive tests.* This data  
10 shall be reported periodically to the appropriate county office of  
11 education, but the names of the injured pupils shall be kept  
12 confidential. The county office of education shall compile and  
13 retain the data for summary and ~~analysis.~~ *analysis as it deems*  
14 *necessary.*

15 ~~(3)~~

16 (4) On a yearly basis, a concussion and head injury information  
17 sheet shall be signed and returned by the athlete and the athlete's  
18 parent or guardian before the athlete initiates practice or  
19 competition. *The parent or guardian of each athlete participating*  
20 *in any of the sports listed in paragraph (1) shall also be notified,*  
21 *in writing, that the results of baseline and postinjury neurocognitive*  
22 *testing conducted on his or her child is available to the child's*  
23 *parent or guardian upon request. These neurocognitive testing*  
24 *results may also be shared with the athlete's physician upon the*  
25 *request of the athlete's parent or guardian.*

26 (b) As used in this section, the following terms have the  
27 following meanings:

28 (1) "Licensed health care provider" means a licensed health  
29 care provider who is trained in the management of concussions *or*  
30 *other head injuries* and is acting within the scope of his or her  
31 practice.

32 (2) "Neurocognitive testing" means a comprehensive evaluation  
33 of a person's cognitive status by specific neurologic domains,  
34 including, but not necessarily limited to, memory, attention,  
35 problem solving, language, ~~visuospatial,~~ *visuospatial*, processing  
36 speed, motor, and emotion.

37 (c) This section does not apply to an athlete engaging in an  
38 athletic activity during the regular schoolday or as part of a physical  
39 education course required pursuant to subdivision (d) of Section  
40 51220.

1     SEC. 3. If the Commission on State Mandates determines that  
2     this act contains costs mandated by the state, reimbursement to  
3     local agencies and school districts for those costs shall be made  
4     pursuant to Part 7 (commencing with Section 17500) of Division  
5     4 of Title 2 of the Government Code.

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